

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

1 CYWEE GROUP LTD.,

2 Plaintiff(s),

3 v.

4 HTC CORPORATION et al.,

5 Defendant(s).

6 CASE NO.
7 2:17-cv-00932-JLR

8 ORDER REGARDING INITIAL
9 DISCLOSURES, JOINT STATUS
10 REPORT, AND EARLY
11 SETTLEMENT

12 **I. INITIAL SCHEDULING DATES**

13 The Court sets the following dates for initial disclosure and submission of the
14 Joint Status Report and Discovery Plan:

15 Deadline for FRCP 26(f) Conference: 9/11/2024

16 Initial Disclosures Pursuant to FRCP 26(a)(1): 9/25/2024

17 Combined Joint Status Report and Discovery
18 Plan as Required by FRCP 26(f)
19 and Local Civil Rule 26(f): 10/2/2024

20 The deadlines above may be extended only by order of the Court. Any request for
21 an extension should be made by filing a motion or stipulated motion pursuant to Local
22 Civil Rule 7(j). If Defendants have appeared, the parties are directed to meet and to
23 confer before requesting an extension.

24 If this case involves claims which are exempt from the requirements of FRCP
25 26(a) and 26(f), please notify Ashleigh Drecktrah, Courtroom Deputy, at
26 Ashleigh_Drecktrah@wawd.uscourts.gov.

1 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

2 All counsel and any pro se parties are directed to confer and provide the Court
3 with a combined Joint Status Report and Discovery Plan (the "Report") by
4 October 2, 2024. This conference shall be by direct and personal communication,
5 whether that be a face-to-face meeting or a telephonic conference. The Report
6 will be used to determine if a FRCP 16 conference would be helpful and to set a
7 schedule for the prompt completion of the case. FRCP 16 provides for a pretrial
8 conference with the court for such purposes as:

- 9 1. expediting disposition of the action;
- 10 2. establishing early and continuing control so that the case will not be
11 protracted because of lack of management;
- 12 3. discouraging wasteful pretrial activities;
- 13 4. improving the quality of the trial through more thorough preparation; and
- 14 5. facilitating settlement.

15 The Joint Status Report must contain the following information, by corresponding
16 paragraph numbers.

- 17 1. A statement of the nature and complexity of the case.
- 18 2. A proposed deadline for the joining of additional parties.
- 19 3. The parties have the right to consent to assignment of this case to a full time

20 United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13,
21 to conduct all proceedings. The Western District of Washington assigns a wide range of
22 cases to Magistrate Judges. The Magistrate Judges of this district thus have significant
23 experience in all types of civil matters filed in our court. Additional information about
24 our district's Magistrate Judges can be found at www.wawd.uscourts.gov. The
25 parties should indicate whether they agree that the Honorable Brian A. Tsuchida
may conduct all proceedings including trial and the entry of judgment. When responding

1 to this question, the parties should only respond "yes" or "no." Individual party
2 responses should not be provided. A "yes" response should be indicated only if parties
3 consent. Otherwise, a "no" response should be provided.

4 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.),
5 the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which
6 includes the following topics:

- 7 (A) initial disclosures;
- 8 (B) subjects, timing, and potential phasing of discovery;
- 9 (C) electronically stored information ("ESI");
- 10 (D) privilege issues;
- 11 (E) proposed limitations on discovery; and
- 12 (F) the need for any discovery related orders.

13 5. The parties' views, proposals, and agreements, by corresponding paragraph
14 letters (A, B, etc.) on all items set forth in Local Civil Rule 26(f)(1), which includes
15 the following topics:

- 16 (A) prompt case resolution;
- 17 (B) alternative dispute resolution;
- 18 (C) related cases;
- 19 (D) discovery management;
- 20 (E) anticipated discovery sought;
- 21 (F) phasing motions;
- 22 (G) preservation of discoverable information;
- 23 (H) privilege issues;
- 24 (I) the nature, location and scope of discoverable ESI and whether the parties
25 agree to adopt the Model Agreement Regarding Discovery of Electronically Stored
26 Information in Civil Litigation; and

1 (J) alternatives to the Model Agreement.

2 6. The case name, case number, and court or other tribunal for any pending or
3 prior action challenging the patent(s) at issue in the case.

4 7. The date by which discovery can be completed.

5 8. Whether the case should be bifurcated by trying the liability issues before
6 the damages issues, or bifurcated in any other way.

7 9. Whether the pretrial statements and pretrial order called for by Local Civil
8 Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part
9 for the sake of economy.

10 10. Whether the parties intend to utilize the Individualized Trial Program set
11 forth in Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

12 11. Any other suggestions for shortening or simplifying the case.

13 12. The date the case will be ready for trial. The Court expects that most civil
14 cases will be ready for trial within a year after filing the Joint Status Report and
15 Discovery Plan.

16 13. Whether the trial will be jury or non-jury.

17 14. The number of trial days required.

18 15. The names, addresses, and telephone numbers of all trial counsel.

19 16. The dates on which the trial counsel may have complications to be
20 considered in setting a trial date.

21 17. If, on the due date of the Report, all defendant(s) or respondents(s) have not
22 been served, counsel for the plaintiff shall advise the Court when service will be
23 effected, why it was not made earlier, and shall provide a proposed schedule for the
24 required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

25 18. Whether any party wishes a pretrial FRCP 16 conference with the judge prior
26 to entry of any order pursuant to Rule 16 or setting of a schedule for this case. If yes,

1 indicate whether a party wishes an in-person or telephonic conference.

2 19. List the date(s) that each and every nongovernmental corporate party filed
3 its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1.

4 If the parties are unable to agree on any part of the Report, they may answer in
5 separate paragraphs. No separate reports are to be filed. If the parties wish to have a
6 status conference with the Court at any time during the pendency of this action, they
7 should notify Ashleigh Drecktrah at Ashleigh_Drecktrah@wawd.uscourts.gov.

III. PLAINTIFF'S RESPONSIBILITY

9 This Order is issued at the outset of the case, and a copy is sent by the clerk to
10 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.
11 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all
12 parties who appear after this Order is filed. Such service shall be accomplished
13 within ten (10) days after each appearance. Plaintiff's counsel (or plaintiff, if pro se)
14 will be responsible for starting the communications needed to comply with this Order.

IV. JUDGE-SPECIFIC PROCEDURAL INFORMATION

16 All counsel and unrepresented parties should review Judge Robart's web page
17 for procedural information applicable to cases before Judge Robart. The judges'
18 web pages, in addition to the Local Rules, Electronic Filing Procedures for Civil and
19 Criminal Cases, court forms, instruction sheets, and General Orders, can be found on the
20 Court's website at www.wawd.uscourts.gov.

V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION

22 If settlement is achieved, counsel shall immediately notify Ashleigh Drecktrah
23 at Ashleigh_Drecktrah@wawd.uscourts.gov.

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The parties are responsible for complying with the terms of this Order. The Court may impose sanctions on any party who fails to comply fully with this Order.

DATED: The 28th of August 2024.

s/ James L. Robart
James L. Robart
United States District Judge